
Supreme Court,

OF ILLINOIS.

SOUTHERN GRAND DIVISION.

June Term, 1871.

No. 107

E. L. Merritt & Rro. Printers & Binders, Springfield, Ill.

1398

To the Honorable the Judges of
the Supreme Court of the State
of Illinois, greeting:

Your petitioner
William Kirtelmann of the City
of Saint Louis in the State of Missouri
respectfully represents unto your
Honors that he is unjustly imprisoned
and deprived of his liberty by Timothy
Mc Bradley, Sheriff of Cook County,
State of Illinois; that before the
month of November a d 1840
and for a period of about eleven
years last past your petitioner
was a resident of the City of Chicago
in the State of Illinois, that in the
month of November a d 1840 your
petitioner left the State of Illinois
and removed to the City of Saint
Louis, State of Missouri with the
intention of making said city his
permanent residence, that in accordance
with such intention petitioner established
a business at number 216 Chestnut
Street in said city of Saint Louis and
superintended it in person.

Your petitioner further represents
unto your Honors that on Sunday
March 19th a d 1841 one William

Wayman of the City of Chicago accompanied by some police officers of the City of Saint Louis arrested your petitioner, then a resident of Saint Louis, at his house and exhibited as his authority and warrant for such arrest a requisition from the Hon. John M. Palmer Governor of the State of Illinois directed to the Hon. Gaby Brown Governor of the State of Missouri for the extradition of your petitioner to the authorities of the State of Illinois; that in obedience to said requisition your petitioner accompanied said William Wayman to the City of Chicago as his Wayman's prisoner and arrived in said City and was delivered to the jailer of Cook County, Gail Cley said William Wayman on Monday March 20th 1841, where your petitioner has ever since been confined. And your petitioner has affixed to this petition a certified copy of said requisition, as it was furnished to your petitioner by the Executive Department of the State of Missouri, and which

is marked "A".

And your petitioner further represents unto your Honors that soon after his incarceration in said Cook County Jail he demanded a copy of the said requisition or warrant from the Jailor of Cook County and was shown the documents marked "B" and "C" and made parts of this petition, as the only process of detainer in the hands of said jailor of Cook County, and your petitioner was informed by said Jailor that no requisition or other ^{like} process whatever was handed to said Jailor by said William Wayman, when he delivered your petitioner to said Cook County Jailor.

And your petitioner further says that he caused repeated inquiries and requests to be made of said William Wayman for the original or a copy of the said requisition, upon which your was arrested and extradited from the State of Missouri to the State of Illinois and that said Wayman has refused and doth now refuse to

Furnish them to your petitioner,
and your petitioner is further
informed by a letter from
Hon. E. Rummel Secretary
of State of the State of Illinois
(made part of this petition and
marked Exhibit "E") that no
report has been made to the Executive
of the State of Illinois by said
William Wayman of his action
on the premises and that no return
has been made by him of the
warrant for the delivery to him as
the messenger of the State of Illinois
of the body of your petitioner.

Your petitioner further represents
and has reason to believe from
an inspection of the several papers
accompanying the requisition,
that sundry persons of the
City of Chicago, viz: William
Wayman, Peter Markgraf and
Jacob Schoenewald have
conspired together to have your
petitioner brought from the State
of Missouri by means of the
said requisition for the purpose
of serving upon your petitioner
with the document marked Exhibit
"A" and for the purpose of

delivering your petitioner into the custody of the Sheriff of ~~said State~~ of Cook County, who at that time held a *capias ad satisfaciendum* for the apprehension of your petitioner, ^{marked "C"} but your petitioner is not advised whether the said Sheriff or the plaintiff in the said *capias* conspired with said ~~ag~~ mentioned parties or not, in bringing your petitioner into the custody of the said Sheriff of Cook County.

Your petitioner further represents (as more fully appears by the Document marked "D") that on the 5th day of February A.D. 1841, a person, by your petitioner unknown, calling and subscribing himself Peter Markgraf in company with said Jacob Schoenwald appeared before Max Eberhardt, one of the Justices of the peace of Cook County and caused a warrant for the arrest of your petitioner to be issued by said Max Eberhardt, charging your petitioner therein with the crime of obtaining

money from said Markgraf under
false pretences detailed by him at
length in the affidavit accompanying
the said requisition, that they appended
said warrant to the petition accompanying the
requisition and presented the same to the Hon.
R. M. Wallace, Judge of the Cook County
Court, as appears more fully by an inspection of
said petition, that after the endorsement of
said Judge of Cook County Court they trans-
mitted said petition to the Hon. John M.
Palmer, Governor of the State of Illinois
and that thereupon, said Governor, infor-
med of the fraud about to be committed upon
him, issued his requisition for the body of
your petitioner, directed to the Hon. Frank
Brown, Governor of the State of Missouri,
by virtue of which requisition petitioner
was arrested by said William Wayman, who
procured himself to be deputized as the
messenger of the State of Illinois to serve the
requisition, as prayed for by said Peter
Markgraf in the petition addressed to Gov.
Palmer.

And your petitioner represents unto your
Honors that the said Peter Markgraf is a
fictitious person, that he petitioner has
caused repeated and strict inquiries
to be made about such a person and

that nothing has been discovered of him by
your petitioner, that your petitioner never
knew and does not know now such
person as Peter Markgraf, or had any
dealings whatever with such a person; that
the charge made by said person against
your petitioner of obtaining money under
false pretences is wicked and false and
was known as such to the person making
it; that after your petitioner's arrest and delivery
to the jailor of Cook County, your petitioner was
never carried before any Magistrate for the
purpose of an examination on the charge
stated in the requisition, that no indictment
has ever been preferred against your petitioner
by any body for said alleged charge of obtaining
money under false pretences, nor is one
pending in the Criminal Court of Cook County.

Your petitioner further says to your Honor
that when he was delivered into the custody
of the Cook County jailor by said William
Wayman on the 20th day of March A.D. 1871
the said Wayman handed to said Jailor
the bailpiece marked Exhibit B as his
warrant for the arrest of your petitioner and
that said Jailor received your petitioner
by virtue of said bailpiece and upon
no other process, and your petitioner is
informed by the Sheriff of Cook County

that the document marked "Exhibit C" had been lodged with said Sheriff on or about the 24th day of February a^d 1841 and that he the said Sheriff now claims to hold your petitioner in custody by virtue of the said Bailpiece and the capias ad satisfaciendum.

And your petitioner further says that he has made application to the Executive Department of the State of Illinois for copies of all papers connected with the requisition of said Department for the body of your petitioner and that said Department is not in possession of all the papers as will more fully appear by "Exhibit D" made part of this petition; that your petitioner is further informed that no return has ever been made by said William W. Ryan to said Executive Department of the State of Illinois (as the law directs) of the execution of said requisition and that the original is not on file in said Department, and your petitioner has reason to believe that said original requisition has been betrayed by the interested parties.

And your petitioner, in view of the facts above recited insists to your Honors that a great fraud

has been committed by the parties above-mentioned upon the Executive Departments of the State of Illinois and of the State of Missouri and that a crime has been committed against the liberty and fair name of your petitioner who has been and is now a prisoner in the Jail of Cook County since the 20th day of March A.D. 1841, and that his continued imprisonment is in violation of law and justice.

To be relieved from said imprisonment your petitioner now applies praying your Honors that a writ of Habeas Corpus may be issued in pursuance of the Statute in such case made and provided, that your petitioner may submit to and receive whatever your Honors deem just under the circumstances. And your petitioner in view of the distance between Chicago and Mount Vernon would waive the production of his body by the Sheriff of Cook County, but that said Sheriff certify to your Honors by what right and authority he holds your petitioner in custody, and your petitioner

would pray you return & declare
his continued imprisonment illegal
and void and set him free, so he
may return to his family at Saint
Louis Missouri and your petitioners
will ever pray etc

William Rintelmann

State of Illinois }
Cook County }

William Rintelmann, the
above named petitioner being lawfully
sworn on oath deposes and says that
the facts set forth in the above petition are
true to the best of his knowledge and
belief

William Rintelmann

Sworn to and subscribed before me this
5th day of June A.D. 1871

Adolph Mises
Notary Public

OFFICE OF SECRETARY OF STATE,

City of Jefferson, Missouri.

I, EUGENE F. WEIGEL, Secretary of the State of Missouri, do hereby certify that the annexed pages contain a true, complete and full copy of ~~an act~~ of the General Assembly of the State of Missouri, entitled a Requisition and accompanying papers from the Governor of Illinois to the Governor of Missouri for the arrest and delivery of William Kinkelmann charged with the crime of obtaining money under false pretences.

as appears by comparing the same with the original roll of said Requisition now on file, as the law directs, in this office.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal: Done at office, this 25th day of May A. D. Eighteen Hundred and Seventy-one

Eugene F. Weigel
Secretary of State.



Exhibit "A"

OFFICE OF SECRETARY OF STATE,

City of Jefferson, Missouri.

I, EUGENE F. WEIGEL, Secretary of the State of Missouri, do hereby certify that the annexed pages contain a true, complete and full copy of ~~an act~~ of the General Assembly of the State of Missouri, entitled a Requisition and accompanying papers from the Governor of Illinois to the Governor of Missouri for the arrest and delivery of William Kinkelmann charged with the crime of obtaining money under false pretences.

as appears by comparing the same with the original roll of said Requisition now on file, as the law directs, in this office.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal: Done at office, this 25th day of May A. D. Eighteen Hundred and Seventy-one

Eugene F. Weigel
Secretary of State.



Exhibit "A"

State of Illinois

Executive Department

John M. Palmer Governor of Illinois
To His Excellency, the Governor of Missouri:

The annexed Papers duly authenticated in accordance with the laws of this State, show that by Affidavit in the County of Cook in this State

William Rintelmann

stands charged with

Obtaining money under false pretenses which is a crime against the laws of this State, and that he has fled from the Justice of this State, and it is believed that he has taken refuge in the State of Missouri.

Therefore, in pursuance of Justice and by authority of the Constitution and laws of the United States, I do hereby require that the said

William Rintelmann be arrested and delivered to William Mayman

who is legally authorized and commissioned as the agent of this State to receive the said Fugitive, and convey him to the State of Illinois, here to be dealt with in accordance with the law.

In Testimony Whereof, I have set my hand and cause to be affixed the Seal of State.

Done at the City of Springfield this 11th day of March in the year eight hundred and seventy-one and of the Independence of the United States the thirty-fifth

By the Governor:

Edward R. Sumner

John M. Palmer Governor
Secretary of State

State of Illinois } ss.
Cook County } The People of the State of Illinois to
all Sheriffs, coroners and Constables
within said State, Greeting:

Whereas, complaint, under oath, has been this
day entered before the undersigned, a Justice of the
Peace within and for said County by

Peter Markgraf
that the crime of obtaining money under false
pretences has ^{been} committed in said State, and that said
complainant has just and reasonable grounds to
suspect that

William Rintelmann is
guilty of said offence,
You are therefore hereby commanded forthwith
to arrest the said

William Rintelmann
and bring him before me, (or, in my absence, before
some other Justice of the Peace in said County),
to answer to the people of the State of Illinois, on said
charge, and abide such further order as may be made
concerning the same, and hereof make due service
and return as the law directs.

Given under my hand and seal at my office in
South Chicago this 22nd day of February A.D. 1871.

Max Chubbard
Justice of the Peace.

State of Illinois }
County of Cook } Ss.

City of Chicago } Peter Markgraf of said City, being
first duly sworn on his oath, says that on or about
the 15th day of December A.D. 1870, between the hours of
four and five o'clock P. M. after the close of the usual
banking hours in said city, one William Rintelmann
formerly of said city, and with whom this deponent had
a slight acquaintance, applied to this affiant for the
loan of fifty dollars till the following day, at which time
and as an inducement for this affiant to make said loan
said Rintelmann then and there falsely, knowingly,
by designingly and fraudulently represented to and told
this affiant, that he said Rintelmann then had in deposit
and subject to his order, several thousand dollars
in the Banking House of Grunbaum Bros in said
city, from which amount he on deposit: he said
Rintelmann would on the day next following draw
a sufficient sum and repay this affiant said sum
of fifty dollars.

This affiant further states that relying upon
said false and fraudulent representations aforesaid
he did then and there to wit at said City of Chicago
advance and lend to said Rintelmann the sum
of fifty dollars lawful money of the United States.

This affiant further states that as after the
space of two or three days said Rintelmann did
not repay said loan or make his appearance
at the place of business of this affiant, this

State of Illinois }
County of Cook } SS.

City of Chicago } Peter Markgraf of said City, being
first duly sworn on his oath, says that on or about
the 15th day of December A.D. 1870, between the hours of
four and five o'clock P. M. after the close of the usual
banking hours in said city, one William Rintelmann
formerly of said city, and with whom this deponent had
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and as an inducement for this affiant to make said loan
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by designingly and fraudulently represented to and told
this affiant, that he said Rintelmann then had in deposit
and subject to his order, several thousand dollars
in the Banking House of Grunbaum Bros in said
city, from which amount he on deposit: he said
Rintelmann would on the day next following draw
a sufficient sum and repay this affiant said sum
of fifty dollars.

This affiant further states that relying upon
said false and fraudulent representations aforesaid
he did then and there to wit at said City of Chicago
advance and lend to said Rintelmann the sum
of fifty dollars lawful money of the United States.

This affiant further states that as after the
space of two or three days said Rintelmann did
not repay said loan or make his appearance
at the place of business of this affiant, this

affiant commenced to investigate the matter and found that said Rintelmann neither at the time he obtained the loans made the representations aforesaid or at any other time ever had several thousand dollars or any amount of money at all on deposit at the said Banking House of said Gracubauer, & Bros & this affiant also learned that said Rintelmann about the 20th day of said December A.D. 1870 clandestinely and without first notifying this affiant left this State & has ever since been absent therefrom and that he has never repaid said fifty dollars or any part thereof.

This deponent therefore charges the said William Rintelmann did knowingly & designedly by false pretence, ^{affair} from affiant the sum of fifty dollars with intent to cheat & defraud affiant of the same.

Peter Markgraf

Subscribed and sworn
to before me this 22nd day
of February A.D. 1871

Max C. Inhardt
Justice of the Peace
Cook County Illinois

State of Illinois }
County of Cook } ss.
City of Chicago }

Peter Markgraf of said city
being first duly sworn on his oath, said that
William Rintelmann is a fugitive from the
justice of the said state and that affiant believes
that he is now in the city of St. Louis in the State of
Missouri, that he so believes from information to
that effect he has received from detectives he has
employed to learn his whereabouts, also from parties
who have told him that said Rintelmann
is at present employed in a saloon in said St. Louis
that said fugitive fled from this State about
the 20th of December A.D. 1870.

Peter Markgraf

Subscribed and sworn
to before me this 15th day
of March A.D. 1870

John J. Gundick
Clerk County Court

Illinois

Requisition from Gov.

of, for the arrest & delivery
of William Kintelman
charged with obtaining
money under false pretences
William Wayman agt.

Issued with
C. Gray Brown

Filed & Writ issued
to Chief of Police of St.
Louis March 18th 1871

Eugene F. Weigel
Secy of State

Exhibit "B"

Know all Men by these Presents, THAT WE J. Schoenewald
and William Rintelmann

of the County of Cook and State of Illinois, are held and firmly bound unto Gustav
Fricker Sheriff of Cook County, in the State of Illinois, in the sum
of Five Hundred Dollars, lawful money of the United States, for
the payment of which sum well and truly to be made to the said Gustav Fricker
Sheriff as aforesaid, or his successor in office, executors, administrators or assigns, we hereby jointly and
severally bind ourselves, our heirs, executors and administrators. Witness our hands and seals, this
10th day of February 1870

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas Hermann Krause

ha lately sued out of the Superior Court of Chicago
the County of Cook, a certain writ of *capias ad respondendum*, in a certain plea of
Trespass on the case against William Rintelmann

Exhibit "B"

returnable to the next term of the said Court, to be holden at the Court House, in the City of
Chicago, in said County, on the first Monday of March next.

Now if the said William Rintelmann

shall be and appear at the said Court, to be holden at Chicago aforesaid, on the said first
Monday of March next; and in case of the said Jacob Schoenewald

shall not be received as bail in the said action, shall put in good and sufficient bail, which shall be
received by the plaintiff, or shall be adjudged sufficient by the Court, or the said Jacob
Schoenewald

being accepted as bail, shall pay and satisfy the costs and condemnation money, which may be
rendered against the said William Rintelmann

in the plea aforesaid, or surrender the body of the said William Rintelmann

in execution, in case the said William Rintelmann
shall not pay and satisfy the said costs and condemnation money, or surrender himself in execution,
when, by law, such surrender is required, then this obligation to be void; otherwise to remain in full
force and effect.

IN PRESENCE OF

Signed

William Rintelmann { SEAL }

J. Schoenewald { SEAL }

{ SEAL }

(over)

I hereby certify the within to be
a true copy of the original bond on
file in this Court
witness my hand and seal this

14th day of December A.D. 1840

A. Jacobson

Clerk of

Superior Court of Cook Co

Paalig
Superior Court
Cook County

5 Cent
Revenue Stamp

State of Illinois
Cook County
City of Chicago

I do hereby con-
stitute and appoint

William Wrayman as my lawful attorney and
agent to take William Riuteman and
deliver him to the Cook County Jail

J. Schoenewald

Exhibit "A"

State of Illinois, }
COOK COUNTY. } SS.

The People of the State of Illinois,

To the Sheriff of said County, GREETING:

WE COMMAND YOU, That, you take William Rintelmann

defendant if he may be found in your County, and him safely keep so that you have
his body to satisfy Herrmann Krause

"Exhibit C"

..... Plaintiff in the sum
of One thousand Dollars
and Cents, which the said Plaintiff lately, in our Superior Court of Cook
County, at a term thereof begun and held in the city of Chicago, in the said County, on the first
Monday of December last past, recovered against the said

William Rintelmann

Defendant for his damages in a certain action of
trespass on the case and also, the further sum of Twenty

..... Dollars and Seventy five Cents for the costs and
charges of the said Plaintiff about the said Plaintiff suit in that
behalf expended, whereof the said Defendant is convicted
as appears to us of record; and have you then and there this writ,
with an endorsement thereon in what manner you shall have executed
the same, in ninety days from the date hereof.

WITNESS, AUGUSTUS JACOBSON, Clerk of our said Court and the
seal thereof, at Chicago, in said County, this 27th
day of February A. D. 1871.

..... A Jacobson Clerk.

Superior Court of Cook County

Ca. Sa. No. 16152 Case No. 29174

Fee Book 43 Page 196

Date Feb 27 A. D. 1871

Hermann Krause

vs.

Hintelmann

Debt,.....	\$	
Damages,.....	\$	1000.00
Plaintiff's Cost,.....	\$	20.45
Defendant's Cost,.....	\$	14.80
		<u>\$ 1025.55</u>

The Sheriff will collect interest from

December 13th 1870

Filed..... A. D. 1871

Barber & Jackson
Clerk.
Plff's Att'y.

Exhibit D.

State of Illinois



SECRETARY'S OFFICE

Springfield, May 19, 1871

Adolph Moses Esq.
Chicago.

Sir,

In reply to your letter of the 14th inst. to Genl. Harlan, I have to state, that the affidavit Exhibit "A" in question was on issuing the Requisition, attached to the same and is, or ought to be filed with the requisition in the Secretary's Office of the State of Missouri.

When a Requisition is issued, the indictment or affidavit, as the case may be, has to be attached to it and only the petition is filed at this office.

Very Respectfully
Edward R. Hannan
Secretary of State

Return your papers enclosed.
E.R.

Exhibit D.

In the Supreme Court
of the State of Illinois

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Application of
William Rintelmann
for
writ of habeas corpus

Filed 7th June 1871
Attest
clerk

Adolph Moses
Counsel for petitioner